

EDITH FOX,

Fawnlake, Okla.

Material.

E.

Stated to Agent Burger that Catherine Coile, the wife of Kelsie Morrison, stated to her that she and Kelsie Morrison, on the night of May 21, 1921, or early morning of May 22, were riding in a car closely following the car in which Bryan Buckhart and Anna Brown were riding, and that Kelsie Morrison drove by behind the Buckhart-Anna Brown car and shot Anna Brown in the head; that her body was then taken to the spot where it was later found; and that Bill Hale paid Morrison \$1,500 for killing Anna Brown.

Page 496
Par. Last

anyone and question fully before using before Grand Jury.

This witness is now out on bond pending appeal of her conviction of violation of National Motor Vehicle Theft Act.

J. L. SWIDGES,

Campbell, Tenn.

Conspirator.

stated by George James that J. L. Bridges was in the drinking party with Bryan Burkhart, Anna Brown, George James, Edith Davis and Bill Hale on the night on May 21, 1921, at a whiskey joint west of Halston, where they stayed until 10 P. M.; that while there Hale, Bridges and Bryan Burkhart planned the murder of Anna Brown; that Bryan Burkhart, Bridges and Anna Brown, in Ernest Burkhart's Buick car, drove to Paul John's roadhouse near Buena Vista, Tenn.; that Edith Davis and Bill Hale started for John's roadhouse in a Ford, Hale leaving them somewhere on the way; that the party in the two cars met at John's roadhouse about 11:30 P. M., where they stayed until about 12:30 A. M.; they then drove to Shorty Morgan's whiskey joint just east of Buena Vista, Tenn., where they bought whiskey, but did not get out of the cars; they then drove toward Fairfax, James and Edith Davis leaving the others at a cross roads, and driving toward Fairfax, Tenn.; that Bryan Burkhart, Bridges and Anna Brown in the Buick car going in another direction, west from Fairfax, Tenn. and about 11 P. M. Sunday May 22, 1921.

Bridges stated to Agents W. C. Clegg and J. E. Connelley that he and his wife in January 1924, that he and his wife and children, arrived in their home in the home of George James.

5.
Page 553
Par. last

Unauthorized. Not to
be used before
Grand Jury.

J. L. BRIDGES.
(continued)

he related in detail the movements of himself and family and the Burkharts on the afternoon and evening of May 21, all of which is contradicted by the statements of other witnesses, and his statement was evidently prepared, to conform to the testimony of Bryan and Ernest Burkhart at the coroners inquest.

1.
MRS. J. L. BRIDGES,
Campbell, Texas.

8.

Interviewed by Agents Weiss and Burger
in January 1924, just before these Agents
interviewed her husband. Her statement
corresponded with that of her husband in
all details.

9.

Page 561
Par. all

subpoena and question
edily before using
Empire Grand Jury.

This witness is a
sister of W. L.
male; and an aunt
of Bryan and Re-
sident Burkhardt.
He is plainly re-
served to testify to
anything deemed
necessary to clear
Raymond Burkhardt, as
he repeatedly stat-
ed that the Burk-
harts were very near
and dear to her, and
the children of her
sister. She is
somewhat of a back-
fence temperance, and
she would not
stand up in
an attempt to
subvert

1. BLACKIE GORD,

Lawhunks, Okla; Jail.

2. Stated by Dewey Selph that Blackie Gord was present at the poker party at Ernest Burchart's home just prior to the murder of Anna Brown, at which time Ernest Burchart made them a proposition that he would pay \$5000 to have Anna Brown done away with.

3. Page 721 Par. 1st

4. Conspirator. Not to be used before Grand Jury.

5. Now held in County Jail at Lawhunks on general charge of being held from interest in shipment.

6. W. G. Bailey made statement in which he corroborated statement of Dewey Selph and added that when propositioned by Ernest Burchart, Blackie Gord remarked that he would bump off anybody for \$5000, and that some time later Blackie Gord remarked to him, Bailey, that he bumped one Osgie square, that he and Kalele Morrison killed Anna Brown, and that Ernest Burchart paid them \$5000. for doing the job.

7. Page 720 Par. 1st

8. Conspirator.

JAMES JENKINS,

% Hominy Cotton Oil
and Ice Co.,

Hominy, Okla.

Material.

2.

Was formerly a Deputy Sheriff of Osage
County, and is alleged to have material
information regarding murder of Alma
Brown.

Page

3.

Interviewed and question
ed fully before using
before Grand Jury.

3.

MARY FAHR,

~~near Honey, Okla.~~

Lacey, Okla.

Material.

2.

Alleged to have said that while at a dance with Ernest Burkhart, who was drink-driving, he told her that he knew who killed Anna Brown.

3.

Answers and question
asked before using
before Grand Jury.

C. F. McDOWELL,
A. & M. College,
Stillwater, Okla.

Material.

2.

Is professor of Chemistry at A. & M. College. Can testify that he was called and examined the ruins of Smith's home a few days after the explosion, and that his firm opinion is that the explosion was caused by a large charge of T. M. F. or nitroglycerine or a similar high explosive, and could not have been caused by gas or gasoline, and can testify as to the physical results of the explosion on the concrete basement, walls and other parts of the house.

Page 675
Page last.

Deposition and question
filed before using
before Grand Jury.

JOHN THOMPSON,
% Osage Torpedo Co.,
Lawhake, Okla.

Material.

2.

Can testify that one or two days before the Smith home was blown up, a magazine of the Osage Torpedo Co., situated on the Scheidel farm about fifteen miles north of Fairfax, in Osage County, was broken into by tearing off some boards, and ten quarts of nitroglycerine were stolen; that the stolen nitroglycerine has never been located or recovered, and no clues found as to who had stolen it, and that the magazine is located in an isolated section.

3.

Page 578
Par. last.

opened and question
only before using
before Gr and Jury.

MR. CORBETT,

City Water Pumping
Station,

Fairfax, Ohio.

Material.

2.

Henry Oats stated to Agents Weiss and Burger that he had learned through two bakers at Fairfax that Corbett stole the nitroglycerine that was used to blow up Smith's home from an oil company's camp; that he turned it over to twomen who did the job and that these two men lived about twenty-five miles from Fairfax.

3.

Page 298
Par. 5

Subpoena and question
served orally before using
before Grand Jury.

H. B. WILSON,
Fairfax, Okla.:

Material.

2.

Coroner. Can testify that the coroners jury which inquired into the death of W. E. Smith came to the conclusion that death was caused by an explosion which wrecked him home, the explosive being placed there and touched off by parties unknown.

3.

Page 149,
2nd par.

Indepena add question
trally before using
before Grand Jury.

W. E. McKEAND,
Fairfax, Okla.

This witness was a member of Coroner's
jury, together with Dick Crenhall, Henry
Hurd, J. C. Lynn, A. D. Heckman and F. C.
Hoefler. Magistrate H. E. Wilson, Coroner.

Page 149.

Subpoena and question
asked by prosecuting be-
fore Grand Jury.

Material.

Compland is thought to
be friend of the Hale
faction and not reliable.
However, divulge
as he knows when Hale
and associates are in
city.

W. G. LYNN
Fairfax, Okla.

This witness was member of Coroner's jury, together with Dick Grandall, Henry Ward, A. D. Rackman and F. G. Hoefler. Magistrate E. E. Wilson, Coroner.

Alleged to have stated that Kelsie Morrison told him just prior to the blowing up of Bill Smith's house that something terrible was going to happen, and after the explosion, told Lynn that he, Morrison, knew all about who blew up Smith's house.

Just prior to the blowing up of Smith's house, Smith stated to Lynn that he, Smith, expected to be murdered, and probably gave Lynn other details.

Page 149.
Per E.

Page 107.
4th par.

Subsequent question
made before being be-
fore Grand Jury.

W. G. Lynn is reported to be a reliable witness and anxious to see guilty parties punished and has frankly stated on numerous occasions to investigate those that in his judgment were Hale and this all was done directly responsible for the murder of Osgood Malone and the blowing up of the W. B. "Bill" Smith house.

W. G. Lynn is reported to be a reliable witness and anxious to see guilty parties punished and has frankly stated on numerous occasions to investigate those that in his judgment were Hale and this all was done directly responsible for the murder of Osgood Malone and the blowing up of the W. B. "Bill" Smith house.

Material.

A. D. BOGIAN,
Fairfax, Okla.

2.

This witness was member of Coroner's
Jury, together with Dick Crandal, Henry
Ward, H. S. Lynn, and F. G. Hoefler; L. B.
Wilson, Coroner.

3.

Page 149, Subpoena and Question
2nd par. fully before using be-
fore Grand Jury.

Material.

DICK CRANDALL,
Fairfax, Okla.

2.

This witness was member of Coroner's jury, together with Henry Ward, H.G. Lynn, A. J. Reechman and F. C. Roeder; H. E. Mlecon, Coroner.

3.

Page 149, 3rd par. before using 98-108 Grand Jury.

4.

Page 149, 3rd par. before using 98-108 Grand Jury.

Alleged that Dr. D. A. Shoun stated that Dick Crandall was present at the time that Bill Smith, just before his death, stated that Ernoet Burkhart and Bill Hale were the only enemies he had on earth that he could suspect of having blown up his home. Crandall possibly heard other death-bed statements made by Smith.

Material.

12-
2
3
4
5
6
7
8
9
10
11
12

1.
P. G. HOFFER,
Fairfax, Okla.

2.

This witness was member of Coroner's
jury, together with Henry Ward, H.G. Lynn,
A. D. Beckman and Dick Grandall; N. E.
Wilson, Coroner.

Material.

3.

Subsequent question
fully before asking be-
fore Grand Jury.

Special Agent's recent
investigation develops
this witness is friendly
to the Hale faction.

1.
MR. ROBE
Fairfax, Okla.

2.
It is alleged that this witness testified No refr.
at the Coroner's inquest. It is believed
that this witness can give information of
material value.

3.
4.
Supplement and question
fully before using
before grand jury.

D. E. JOHNSON,
Fairfax, Okla.

2.

Stated by Dr. J. A. Shoun that Johnson was present at the time that Smith, just before his death, stated that Ernest Burkhardt and Bill Hale were the only ones he had on earth that he could suspect of having blown up his home.

Stated to Agent Wright that on March 18, 1923, at the time Smith signed administration papers, Smith stated that he had "expected this to happen", meaning that he had expected foul play.

Material.

Page 22
Par. 1st.

subpoena and question
jury before being
before Grand Jury.

Smith's witness was Smith's
attorney, and repro-
sented him in his suit
against Hale.

Page 18
Par. 1

HENRY WARD,

Fairfax, Okla.

Manager, Jewett Auto
Sales Co.

Material.

2.

Stated by Dr. D. A. Shoun that Ward was present at the time that Smith, just before his death, stated that Ernest Burkhart and Bill Hale were the only enemies he had on earth that he could suspect of having blown up his home.

3.

Page 28
Per. last.

subpoena and question
fully before using
before Grand Jury.

J. W. MUNCHINSON,
Fairfax, Okla.

2.

It is alleged that Dr. D. A. Shoun stated that this witness (Mutchinson) was present at the time that Bill Smith, Barzhatt and W. L. "Bill" Hale were the only enemies he had on earth that he could suspect of having blown up his home.

Material.

3.

Page 22.
Last par.

Shoun was had question
ing before being be-
for Grand Jury.

This witness is now and
was at the time of the
blow-up of Smith's home,
a Deputy Sheriff of
Cotton County. He is a
white man, and bears the
reputation of not being
very honest.

1.

A. O. HUNSAKER,
Fairfax, Okla.

Material.

2.

Alleged to have been present at the time that Smith, just before his death, stated that Ernest Burkhardt and Bill Hale were the only enemies he had on earth that he could suspect of having blown up his home.

3.

Page 670
Par. 1

Wybrouna and question
daily before using
before Grand Jury.

MRS. MARGARET HILES
HITCHESL,

Hammou, Okla.

Material:

2.

Stated to Agent Murphy that she was night nurse of H. E. Smith when he was in his hospital at Fairfax last after the explosion; that he never made any statements to her regarding who might be responsible for blowing up his house; that she was not present when Smith made a dying statement, as she was asked to leave the room by Dr. Shoun, and that the only ones present were Dr. Shoun and some attorneys whom she did not know. She also stated that some time later she was nurse for Bryan Burkhart, at his home. For one day only; that while there Bill Hale visited him and she was asked to leave the room so they could talk; that in a short time Bill Hale came out where she was and tried to engage her in conversation, finally asking her if Bill Smith had made a dying statement, to which she replied: "If he did I would not be telling it."

3.

Page 774
Par. 5

Memphis and question
fully before using
before Grand Jury.

DR. J. M. MITCHELL,
Elk City, Okla.

2. This witness was a doctor for the Osage Indian Agency during the time W. E. "Bill" Smith was murdered. He was also the husband of the nurse who attended Bill Smith at the time of his death, and Dr. Mitchell should have information of material value to this investigation.

3.

None.
Subpoena and question
fully before being be-
fore Grand Jury.

R. D. COLAMBE
Banker, Okla.
Fairfax

2.

This witness is alleged to have stated that on the afternoon of March 9, 1933, he accompanied Bill Smith to Henry Grammer's place and purchased some whiskey; that on this trip Bill Smith told him, Colombe, of his (Smith) fear of Bill Hale and the Burkhardt, and that he reported to be murdered by them at any time. Colombe is alleged to have detailed information concerning transfer of Bill Smith's property.

Page 410,
last par.

Subj. in case of section
called before using be-
fore grand jury.

Colombe while he was
a friend of Bill Smith's,
is at present apparently
a friend of Bill Hale's.
However, it is believed
that he, like many
others, will divulge
material information
after Hale and his
allies are in custody.

A. W. COMSTOCK,
Pawnee, Okla.

Material.

Alleged to have been present at the time that Smith, just before his death, stated that Ernest Burkhart and Bill Hale were the only enemies he had on earth that he could suspect of having blown up his home.

Comstock stated to Special Agent Smith that he, Comstock, took Bill Smith to the Indian Agency and told them that if they did not give Smith protection, Smith would not live 30 days, that he would be murdered. That just exactly 30 days after that Smith home was blown up and Smith died a couple days later from injuries received in the explosion.

Subpoena had question
fully before using
before Grand Jury.

Page 670
Par. 1

ROY MOEBERGER,
Grayhorse, Okla.

Material

2.

Stated to Agent Weiser, on June 24, 1924, that shortly before the explosion at Smith's home, he was sitting on the porch of the store at Grayhorse with Bryan Burkhardt; that he had known Bill Smith and the Burkhardts a long time before these murders; that at the time he and Bryan Burkhardt were sitting on the porch Moeburger recognized Bill Smith's car approaching and said to Bryan Burkhardt "here comes Bill Smith"; that Burkhardt became very nervous, stood up, put his hand in his hip pocket and said "let the e--- of a b---- come"; that Moeburger then saw that Bill Smith was not in the car but just Mrs. Smith and the hired girl, and said to Bryan Burkhardt "it is not Bill Smith", and Burkhardt took his hand from his hip pocket and replied, "it is a d---- good thing for him."

3.

Page 535 A
Par. 2 & 3

Moeburger and question
ally before using
before Grand Jury.
Moeburger at first
refused to tell the
story, stating as an
excuse that everybody
around there knew the
Burkhardt and Hale
Cuzh had done or
caused all these in-
famous murders, and that
they would bump him
for 100 if they heard
he was telling things
like the above and
that while he is no
priest, he had a wife
and two children dis-
sident upon him and
doesn't want to be
arrested by the grand

MRS. ANNA HALBERT,
Red Fork, Okla.

2.

This witness is alleged to have stated that she worked as a domestic for Bill Smith, and often heard Smith and wife discuss the Anna Brown murder; that she heard Bill Smith repeatedly state that Bill Hale owed him, Smith, \$5000 and would not pay it.

3.

Page 389,
last par.

The witness will be subpoenaed on the Anna Brown case, at which time she will be thoroughly questioned regarding the statement she is alleged to have made.

GRACE BURKHART,
Address Unknown.

2.

Alleged to have stated that an Indian at
Cochise, Okla. by name Roan Horse, had
warned J. E. "Bill" Smith that Bill Hale
and Ernest Burkhart would kill him, Bill
Smith.

3.

Page 126. Subversive and Question.
1st par. for Grand Jury, if
desired.

1.

MARY BLACKBIRD,
Fairfax, Okla.

Material.

2.

Mandy Claremore is alleged to have stated that on the night of May 21, 1921, she and Mary Blackbird were on a party near the spot where Anna Brown's body was later found; that while there they saw and heard Anna Brown, Bryan Burkhardt and others who were also having a party; that they, Mandy Claremore and Mary Blackbird and their friends, moved a short distance away from where the Anna Brown-Bryan Burkhardt party was going on, and a short time later heard two shots, evidently fired by some member of the Anna Brown-Bryan Burkhardt party, and heard some talking.

3.

Page 188
Par. 1st

Subsequent and question
fully before using
before Grand Jury.

These witnesses, on
being interviewed,
denied any knowledge
of this alleged infor-
mation. Her denial
was believed to be
sincere and to fear that she
will be killed by
the Hale-Burkhardt
gang.

MRS. J. MORGAN,

~~Witness~~

Burkhardt, Okla.

2.

Alleged to have stated that Mandy Clarence told her that about midnight of May 21, 1931, Bryan Burkhardt and Anna Brown came to Mandy Clarence's house near Grayhorse in a car together and Bryan Burkhardt borrowed from Mandy a small caliber gun that belonged to Hall Goode. Mandy's brother stated that Mandy Clarence stated that Bryan had never returned this gun, and Hall Goode for some reason, probably fear, has never asked for it back.

Material.

3.

Page 249
Par. 125

impoverish and question fully before being before Grand Jury.

This witness is a full blooded Ojibwa and will not give willingly any information she obtains from other Indians, presumably through fear of the Sale-Burkhardt gang. She was raised and educated in a town.

OSAGE INDIAN RESERVE

W. A. BILLY, SMITH CLASS.